

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GARETH E. PITTS,

2:12-CV-1109 JCM (PAL)

Plaintiff(s),

V.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant(s).

ORDER

Presently before the court are the report and recommendation of Magistrate Judge Leen. (Doc. # 28). No objections have been filed even though the deadline for filing objections has passed.

Upon considering plaintiff Gareth E. Pitts' motion to remand to the Social Security Administration, (doc. # 21), and defendant Michael J. Astrue's cross-motion to affirm, (doc. # 27), Magistrate Judge Leen recommended that the former be denied and the latter be granted.

21 This court “may accept, reject, or modify, in whole or in part, the findings or
22 recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects to
23 a magistrate judge’s report and recommendation, then the court is required to “make a de novo
24 determination of those portions of the [report and recommendation] to which objection is made.”
25 28 U.S.C. § 636(b)(1).

26 Where a party fails to object, however, the court is not required to conduct “any review at all
27 . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s decision in *Reyna-Tapia* as adopting the view that district courts are not required to review “any issue that is not the subject of an objection.”). Thus, if there is no objection to a magistrate judge’s recommendation, then this court may accept the recommendation without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge’s recommendation to which no objection was filed).

11 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
12 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation
13 and underlying briefs, this court finds good cause appears to ADOPT the magistrate judge's findings
14 in full.

15 | Accordingly,

IT IS HEREBY, ORDERED, AND DECREED that the report and recommendation of
Magistrate Judge Leen (doc. # 28) are ADOPTED in their entirety.

IT IS FURTHER ORDERED that plaintiff's motion to remand (doc. # 21) is DENIED.

IT IS FURTHER ORDERED that defendant's cross-motion to affirm (doc. # 27) is GRANTED. The clerk shall enter judgment accordingly and close the case.

21 || DATED May 7, 2014.

Xem C. Mahan
UNITED STATES DISTRICT JUDGE